

## DECLARATION AND POWER OF ATTORNEY

As the below named inventor, I hereby declare that:

My residence, post office address and citizenship is as stated below next to my name.

I believe that I am the original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled **ENDOVASCULAR GRAFT HAVING LONGITUDINALLY DISPLACEABLE SECTIONS**, for which an application for United States Letters Patent was filed with the United States Patent and Trademark Office on November 25, 1998, and assigned application Serial No. 09/200,317.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by or any amendment(s) referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:      None

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.      Serial No. 60/066,301, filed November 25, 1997

I hereby declare under the laws of the United States of America that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint the following attorneys to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith:

EDWARD J. LYNCH, Registration No. 29,422  
HERWIG von MORZE, Registration No. 29,484  
WILLIAM SCHMONSEES, Registration No. 31,796  
DEREK P. FREYBERG, Registration No. 29,250  
GORDON M. STEWART, Registration No. 30,528  
WILLIAM B. ANDERSON, Registration No. 41,585  
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Full name of First and Sole Inventor: Michael V. Chobotov

Executed on 3<sup>rd</sup> day of February, 19 99

Inventor's Signature:   
Residence: 3805 Skyfarm Drive, Santa Rosa, California 95403  
Post Office Address: (same as above)  
Citizenship: United States

## ASSIGNMENT

This Assignment is made by Michael V. Chobotov, Assignor, to Triad Vascular Systems, Inc., Assignee, of Santa Rosa, CA, a California Corporation.

WHEREAS, Assignor has invented a new and useful **LAYERED ENDOVASCULAR GRAFT**, for which an application for United States Letters Patent was filed with the Patent and Trademark Office on November 25, 1998, and assigned application Serial No. 09/200,317.

WHEREAS, Assignor believes he is the original, first and sole inventor of the invention disclosed and claimed in said application for Letters Patent; and

WHEREAS, Assignee desires to acquire the entire right, title and interest in and to said invention, said application and any Letters Patent that may be granted for said invention in the United States and throughout the world;

NOW, THEREFORE, in consideration of the sum of Ten Dollars (\$10.00) and of other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Assignor hereby sells, assigns and transfers to Assignee, the entire right, title and interest in and to said invention, said application and any Letters Patent that may be granted for said invention in the United States and throughout the world, including the right to file foreign applications directly in the name of Assignee and to claim for any such foreign applications any priority rights to which such applications are entitled under international conventions, treaties or otherwise.

Further, Assignor agrees that, upon request and without further compensation, but at no expense to Assignor, and their legal representatives and assigns will do all lawful

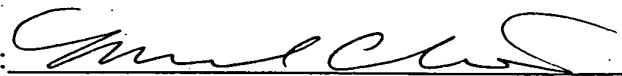
acts, including the execution of papers and the giving of testimony, that may be necessary or desirable for obtaining, sustaining, reissuing or enforcing Letters Patent in the United States and throughout the world for said invention, and for perfecting, recording or maintaining the title of Assignee, its successors and assigns, to the interest assigned herein to said invention, said application and any Letters Patent granted for said invention in the United States and throughout the world.

Assignor represents and warrants that he has not granted and will not grant to others any rights inconsistent with the assignment herein.

Assignor authorizes and requests the Assistant Commissioner for Patents of the United States and of all foreign countries to issue any Letters Patent granted for said invention, whether on said application or on any subsequently filed division, continuation, continuation-in-part or reissue application, to Assignee, its successors and assigns, as the assignee of the entire interest in said invention.

IN WITNESS WHEREOF, Assignor has executed this Assignment on the date written herein below.

Assignor:

By: 

Name: Michael V. Chobotov

Date: 2/3/99

In re the Application of Michael V. Chobotov

Serial No.: 09/200,317

Filed: November 25, 1998

For: **LAYERED ENDOVASCULAR GRAFT**

HELLER EHRMAN WHITE & McAULIFFE Docket No.: 24641-1040

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS**

**(UNDER 37 CFR § 1.9(f) and § 1.27(c)) - SMALL BUSINESS CONCERN**

I hereby declare that I am:

- ☐ the owner of the small business concern identified below:  
☒ an official of the small business concern empowered to act  
on behalf of the concern identified below:

NAME OF CONCERN: Triad Vascular Systems, Inc.

ADDRESS OF CONCERN: 131B Stony Circle, Suite 1000, Santa Rosa, CA 95401

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR § 121.3-18, and reproduced in 37 CFR § 1.9(d), for purposes of paying reduced fees under § 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern has control or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention entitled **LAYERED ENDOVASCULAR GRAFT**, by inventors, Michael V. Chobotov, described in

- ☐ the specification filed herewith.  
☒ application serial no. 09/200,317, filed November 25, 1998.  
☐ patent no. \_\_\_\_\_, issued \_\_\_\_\_.

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR § 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR § 1.9(d) or a nonprofit organization under 37 CFR § 1.9(e):

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate (37 CFR § 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made herein on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statements is directed.

NAME OF PERSON SIGNING MICHAEL CHOBOTOV

TITLE OF PERSON SIGNING (OTHER THAN OWNER) PRESIDENT & CEO

ADDRESS OF PERSON SIGNING 3805 SKYFARM DRIVE, SANTA ROSA, CA 95403

SIGNATURE  DATE 2/3/99